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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/786,320  | 02/25/2004  | Scott Mayhew         | 2004P02542US<br>(00355P0124U) | 2646                   |
| 7590 06/23/2010<br>Elsa Keller<br>SIEMENS CORPORATION<br>Intellectual Property Dept.<br>170 Wood Avenue South<br>Iselin, NJ 08830 |             |                      | EXAMINER<br>MCCLOUD, RENATA D |                        |
|   |             |                      | ART UNIT<br>2858              | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>06/23/2010       | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/786,320 | <b>Applicant(s)</b><br>MAYHEW ET AL. |  |
|                              | <b>Examiner</b><br>RENATA MCCLOUD    | <b>Art Unit</b><br>2858              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21, 26 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 29-34 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they relate to determining a type and operation of a motor controller rather than switches

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim\*\*\* withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Farag et al (US 5206572) in view of Wellman et al US 5687081)

Claims 1,11,21: Farag et al teach a motor controller system, comprising: a motor controller including solid state switches (fig 1:105-108; fig 3:TR1-TR3, col. 16:6-26 triacs may be used) for controlling application of power to a motor (101), and a control circuit for controlling operation of the solid state switches (fig 1:105-108; fig 3:TR1-TR3, col. 16:6-26 triacs may be used), the control circuit comprising a programmed processor (123; col. 4:33-43, col. 16:6-26) for commanding operation of the solid state switches (fig 1:105-108; fig 3:TR1-TR3, col. 16:6-26 triacs may be used), and a memory (col. 4:33-43; 5: 15-36) connected to the programmed

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processor (123) storing parameters relating to operation of the solid state switches (col. 4:33-43, operating program; col. 5: 15-36; 16:6-26), and an interface circuit (115; col. 10:38-45,SCI) operatively connected to the programmed processor (123); an external configuration device (125; col. 4:50-58) including a memory for storing parameters relating to operation of the solid state switches and an interface for communication with the motor controller (col. 4: 50-58, computer intelligence; col. 10:38-11:25, 11:50-61, 16:42-59); and means (127, col. 10:38-60,SCI) operatively associated with the programmed processor (123) and the external configuration device (125) for transferring a configuration database file between the controller memory (123) and the external device memory (125) the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches (col. 10:38-11:25, 11:50-61, 16:6-59, 17:59-18:15), means (127) for downloading the configuration database file from the external device memory to the controller memory (col. 10:38-11:25). .

. They do not teach uploading a configuration database file from the controller memory and to the external device memory, the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches; and subsequently downloading the uploaded configuration database file from the external device memory to the controller memory. Wellman et al teach uploading a configuration database file from the controller memory and to the external device memory, the configuration database file comprising a plurality of the stored parameters relating to operation of the solid state switches (col. 5:8-29); and subsequently downloading the uploaded configuration database file from the external device memory to the controller memory (col. 10:30-11:18 bidirectional communication, col. 11:27-35,45-12:15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Farag et al to upload and download as

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taught by Wellman et al in order to minimize the number of cables and make sure information is updated.

Farag et al also teach:

Claims 2, 12, 22: wherein the parameters stored in the external device memory define the configuration database file to be transferred to the controller memory (col. 10:38-11:25)..

Claims 7, 17, 26: the external device memory stores a plurality of pre-configured database files (col. 11:8-25).

Claims 8, 18, 27: the transferring means comprises downloading a select one of the pre-configured database files from the external device memory to the controller memory (col. 11:8-25).

Claims 10, 20: a wired communication path (127) between the programmed processor and the external device.

Wellman et al teach:

Claim 28: uploading the configuration database file to the external device memory prior to servicing the motor controller; and

downloading the uploaded configuration database file to the controller memory after servicing the motor controller (col. 6:56-7:5, 8:13-31).

Claims 6, 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Farag et al in view of Wellman et al and further in view of Perholtz et al (US 5732212)

Claims 6, 16: Farag et al and Wellman et al teach the limitations of claims 4, 14.

Referring to claims 6, 16, they do not teach a printer operatively associated with the external

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device for printing a listing of the uploaded configuration database file. Perholtz et al teach a printer operatively associated with an external device for printing a listing of the uploaded configuration database file (col. 48:28-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus taught by Farag et al and Wellman et al to have a printer as taught by Perholtz et al in order to allow a user to manage the system.

Claims 9, 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Farag et al in view of Wellman et al and further in view of Kawai (US 6144183)

Claims 9, 19: Farag et al and Wellman et al teach the limitations of claims 1, 11. Referring to claims 9, 19, they do not teach an infrared communication path between the programmed processor and the external device. Kawai teaches an infrared communication path (fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus taught by Farag et al and Wellman et al to have an infrared communications path as taught by Kawai in order to allow wireless communication with little interference.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENATA MCCLOUD whose telephone number is (571)272-2069. The examiner can normally be reached on Mon.- Fri. 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2800 ext. 58. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Renata McCloud/  
Examiner, Art Unit 2858

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